

BLACKWELL SANDERS PEPER MARTIN
LLP

4801 Main Street, Suite 1000 Kansas City, MO 64112
P.O. Box 219777 Kansas City, MO 64121-6777
Tel (816) 983-8000 Fax (816) 983-8080
WEBSITE: www.blackwellsanders.com

Legal Staff
International Division

RECEIVED
12 JUL 2006

FACSIMILE COVER SHEET

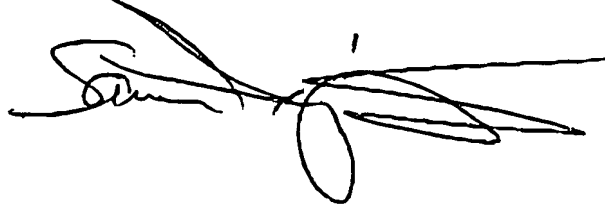
DATE: July 12, 2006 TIME: 10:12 AM

| RECIPIENT | FAX NUMBER | COMPANY/FIRM NAME | PHONE NUMBER |
|---------------------|--------------|-------------------|--------------|
| Anthony Smith, Esq. | 571-273-0459 | USPTO | 571-272-3298 |

| | | | |
|---------------|-------------------|-------------------|--------------|
| FROM: | Samuel Digirolamo | | |
| DIRECT DIAL: | 314-345-6225 | DIRECT FAX: | 314-345-6325 |
| OPERATOR: | Jennifer Wheatley | EXT. No.: | 6620 |
| BILLING CODE: | 718452.9 | TOTAL # OF PAGES: | 10 |

MESSAGE: Examiner Smith,

Attached hereto is a further Renewed Petition relating to U.S. Patent Application Serial No. 10/526,942. If any additional information is needed, or if you have any questions regarding the Renewed Petition, please feel free to give me a telephone call so that any further issues may be resolved. We appreciate your cooperation in this matter and we would appreciate any expedited processing of the Renewed Petition.



PRIVILEGED AND CONFIDENTIAL information intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

STLD01-1246718-1

KANSAS CITY, MISSOURI • ST LOUIS, MISSOURI • OMAHA, NEBRASKA • SPRINGFIELD, MISSOURI • LINCOLN, NEBRASKA
OVERLAND PARK, KANSAS • BELLEVILLE, ILLINOIS • WASHINGTON, D.C. • LONDON, UNITED KINGDOM

AFFILIATES: LEEDS • MANCHESTER
MEMBER OF THE WORLD SERVICES GROUP

BEST AVAILABLE COPY

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to 571-273-0459 to: Anthony Smith, Mail Stop PCT, Office of Legal Administration, P.O. Box 1450, Alexandria, VA 22313, on July 12, 2006.

Jennifer Wheatley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--|---|-------------------------------|
| Application of: Larry Baker | : | Examiner: Not yet assigned |
| | : | |
| Serial No.: 10/526,942 | : | Group Art Unit: Unknown |
| | : | |
| Filed: March 8, 2005 | : | Attorney Docket No.: 718452.9 |
| | : | |
| For: URINARY TRANSFER SYSTEM AND ASSOCIATED METHOD OF USE | : | Customer No.: 027128 |
| | : | |
| | : | Confirmation No.: 7563 |

RENEWED PETITION UNDER 37 C.F.R. SECTION 1.47 (a)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

In response to the Decision on Applicants' Renewed Petition Under 37 C.F.R. Section 1.47 (a) dated June 27, 2006, a copy of which is enclosed, Applicants respectfully request further reconsideration of the Renewed Petition for the following reasons.

In accordance with the Decision dated June 27, 2006, the previously submitted Declaration for the above-identified U.S. Patent Application Serial No. 10/526,942 was deemed not to be in compliance with 37 C.F.R. 1.497(a)-(b) because it was unclear whether the

Application of: Larry Baker
Serial No.: 10/526,942
Renewed Petition Under 37 C.F.R. Section 1.47(a)

citizenship information applied to the deceased inventor Larry R. Baker or the legal representative of the inventor, James D. Baker. The Legal Representative of Mr. Baker's estate has now executed two separate Declarations at the request of the U.S. Patent and Trademark Office in an effort to move this case along. The Declaration executed on May 4, 2006 specifically states that Mr. James D. Baker is the legal representative of the Estate of Larry R. Baker and his heirs; it identifies the citizenship, residence and mailing address of the legal representative; and it identifies the last known residence and mailing address of the deceased inventor, Larry R. Baker. The earlier filed Declaration in this matter was executed in April, 2005 and specifically states that the deceased inventor, Larry R. Baker, is a U.S. citizen. When the two executed Declarations are considered as one, all of the information required by 37 CFR 1.497(a)-(b) is clearly provided. The Legal Representative of Mr. Baker's estate is James D. Baker, a U.S. citizen, having a residence and mailing address at 105 Walnut, P.O. Box 39, Pevely, Missouri 63070. The deceased inventor, Larry R. Baker, was a U.S. citizen having a last known residence and mailing address of 1496 Ville Rosa, St. Louis, Missouri 63042. The undersigned attorney attests to the fact that both the deceased inventor Larry R. Baker, and the Legal Representative of Mr. Baker's estate, James B. Baker, are U.S. citizens; the undersigned attorney attests to the fact that all of the information set forth in the Declaration executed in April, 2005 including the residence and mailing address information is true and accurate; and the undersigned attorney attests to the fact that all of the information set forth in the Declaration executed on May 4, 2006 including the residence and mailing address information is true and accurate.

SLD01-1245860-1

Application of: Larry Baker
Serial No.: 10/526,942
Renewed Petition Under 37 C.F.R. Section 1.47(a)

As further evidence of the transfer of all interest from the deceased inventor Larry Baker to Urinary Transfer Systems Group, LLC, Applicants have already provided a Settlement Agreement (Exhibit B of a previous response) reached between the Assignee Urinary Transfer Systems Group, LLC and James D. Baker as Personal Representative of the Estate of Larry Baker. Pursuant to Paragraph 2 of the Settlement Agreement, the Bakers transferred and/or disclaimed all interest in Urinary Transfer Systems Group, LLC ("UTS") and its Intellectual Property including but not limited to the patents pending and trademarks registered at the time of execution of the Settlement Agreement. Applicants have likewise already provided an assignment document (Exhibit C of a previous response) executed by James D. Baker, Personal Representative of the Estate of Larry Baker on April 14, 2005 wherein the 50% interest of Mr. Baker in and to the invention identified as U.S. Provisional Patent Application No. 60/481,785 filed on December 12, 2003 and the International PCT Patent Application Serial No. PCT/US04/040409 filed December 2, 2004 were transferred to Urinary Transfer Systems Group, LLC. Under Missouri law, a personal representative is the legal representative of the estate of a Missouri resident. The above-referenced assignment document is attached hereto as Exhibit A and was recorded on January 13, 2006 at reel/frame 017016/0624.

The previously submitted Declaration now meets all of the requirements set forth in the Decision dated June 27, 2006. There is no reason why the Declaration executed on May 4, 2006, when taken alone or when taken in conjunction with the Declaration executed in April, 2005, should not be accepted. This fact alone in conjunction with the executed Settlement Agreement referenced above evidences the willingness and intent of the Legal Representative and the estate of Mr. Baker to comply with 37 C.F.R. Section 1.497 and 37 C.F.R. Section 1.47 and to transfer

STLD01-1245860-1

Application of: Larry Baker
Serial No.: 10/526,942
Renewed Petition Under 37 C.F.R. Section 1.47(a)

all right, title and interest in and to the present application to Urinary Transfer Systems Group, LLC, which transfer has already occurred.

All of the above-identified documents also evidence the fact that the Personal Representative/Legal Representative of the Estate of Mr. Baker not only initially signed the Declaration associated with the above-identified application, but the Personal Representative/Legal Representative also assigned all rights, title and interests in and to the 50% interest held by the deceased inventor in association with the present invention.

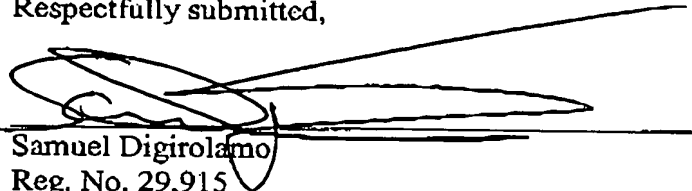
The previously submitted Declaration is now in compliance with 37 CFR 1.497(a)-(b) and this Renewed Petition under 37 CFR 1.47(a) is now in condition for acceptance.

Reconsideration on the merits of the previously filed Renewed Petition referenced above is therefore respectfully requested.

It is therefore respectfully requested that this Renewed Petition be granted. If a telephone conference would facilitate resolving any issue related to this Renewed Petition, the undersigned attorney would appreciate and welcome such telephone conference. Contact information is provided below.

Respectfully submitted,

Date: 12 Jul 06


Samuel Digirolamo
Reg. No. 29,915
Blackwell Sanders Peper Martin LLP
720 Olive Street, Suite 2400
St. Louis, MO 63101
314-345-6225
314-345-6325 (facsimile)
sdigirolamo@blackwellsanders.com
ATTORNEYS FOR APPLICANT

STLD01-1245860-1

27 JUN 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kevin M. Kercher
Blackwell Sanders Peper Martin LLP
720 Olive Street, 24th Floor
St. Louis, Missouri 63101

In re Application of
BAKER, et al.
Application No.: 10/526,942
PCT No.: PCT/US04/40409
Int. Filing Date: 02 December 2004
Priority Date: 12 December 2003
Attorney Docket No.: 718452.9
For: URINARY TRANSFER SYSTEM AND
ASSOCIATED METHOD OF USE

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 C.F.R. 1.47(a)" filed 10 May 2006. Additionally, the declaration submitted on 10 May 2006 will be considered pursuant to 37 CFR 1.42.

BACKGROUND

On 02 December 2004, applicants filed international application PCT/US04/40409, which claimed a priority date of 12 December 2003. The international application listed Warren Spielman as an applicant/inventor and Larry R. Baker as a deceased inventor. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 July 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States is to expire 30 months from the priority date, 12 June 2006.

On 08 March 2005, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

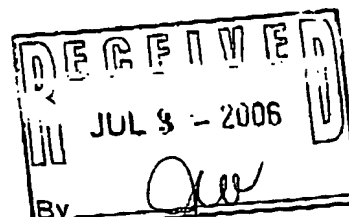
On 16 September 2005, applicants filed a "Petition under 37 C.F.R. Section 1.47(b) by Entity Having Proprietary Interest to File Application on Behalf of Inventor Who Refuses to Sign Declaration."

On 25 October 2005, applicants filed "Letter for Express Request to Begin National Phase Proceedings."

DOCKETED

JUL - 5 2006

BSM



In a "Decision on Petition" dated 13 December 2005, applicants' petition under 37 CFR 1.47(b) was dismissed without prejudice.

On 12 January 2006, applicants filed "Renewed Petition under 37 CFR Section 1.47(b)" which was treated as a Petition under 37 CFR 1.47(a). In a "Decision on Petition" dated 09 March 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 10 May 2006, applicants' filed a "Renewed Petition under 37 C.F.R. 1.47(a)."

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor. The 37 CFR 1.47(a) applicant has satisfied the requirements of items (1); (2); and (3). However, item (4) has not been satisfied.

Regarding item (4) above, an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the non-signing joint inventor has been submitted with the present petition, however, the declaration is not in compliance with 37 CFR 1.42 and 1.497(b)(2).

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The declaration submitted on 10 May 2006 appears to have been executed by the proper party under 37 CFR 1.42, however, the declaration does not satisfy the requirements under 37 CFR 1.497(b)(2).

37 CFR 1.497(b)(2) states the following:

(2) If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to revised 37 CFR 1.497(b)(2), in addition to the citizenship and former residence and post office address of the deceased inventor referenced under 37 CFR 1.497(a)(3) and 37 CFR 1.63, the declaration must also provide name, residence, citizenship, and post office address for the legal representative. The declaration filed on 10 May 2006 provides the citizenship for only one individual and it is unclear whether this information is for the legal representative or the deceased inventor. Accordingly, the declaration is not in compliance with 37 CFR 1.497(a)-(b).


For the reasons stated above, it would not be appropriate to accept the application without the signature of Warren Spielman under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

JANUARY 14, 2006

PTAS

500071050A~~*500071050A*~~SAMUEL DIGIROLAMO
720 OLIVE STREET
SUITE 2400
ST. LOUIS, MO 63101UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 01/13/2006

REEL/FRAME: 017016/0624
NUMBER OF PAGES: 4BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).
DOCKET NUMBER: 718452.9

ASSIGNOR:

BAKER, DECEASED, JAMES D. BAKER,
PERSONAL REPRESENTATIVE OF HIS
ESTATE, LARRY R.

DOC DATE: 04/14/2005

ASSIGNEE:

URINARY TRANSFER SYSTEMS GROUP,
LLC
2865 NETHERTON DRIVE
JENNINGS, MISSOURI 63136

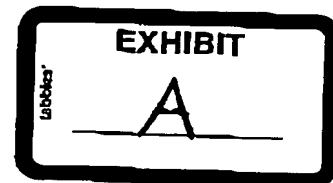
SERIAL NUMBER: 10526942

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

TITLE: URINARY TRANSFER SYSTEM AND ASSOCIATED METHOD OF USE



017016/0624 PAGE 2

SERIAL NUMBER: 60481785

FILING DATE: 12/12/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: URINARY TRANSFER SYSTEM AND ASSOCIATED METHOD OF USE

SERIAL NUMBER: 10526942

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

PCT NUMBER: US0440409

TITLE: URINARY TRANSFER SYSTEM AND ASSOCIATED METHOD OF USE

MARGARET LASALLE, EXAMINER

ASSIGNMENT DIVISION

OFFICE OF PUBLIC RECORDS

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

☐ BLACK BORDERS

☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES

☐ FADED TEXT OR DRAWING

☒ BLURRED OR ILLEGIBLE TEXT OR DRAWING

☐ SKEWED/SLANTED IMAGES

☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS

☐ GRAY SCALE DOCUMENTS

☒ LINES OR MARKS ON ORIGINAL DOCUMENT

☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY

☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.